

the part of the board, the State's agents, which, in my opinion, show fraud, either actual or legal, or even acts which had in fact a tendency to chill and diminish the price bid. Under these circumstances I hold that the Legislature has and should have no discretion beyond that which the courts exercise in cases of judicial sale. I am opposed to resumption; the condition of the convicts, in my opinion, does not depend upon the question of resumption or lease. In either event the majority of the convicts cannot be confined within the walls, but must be hired out to labor in private enterprises and under private supervision, and in either event the State has control of said contracts. Under the lease system the State has a certain and fixed contract which relieves her of the possible financial embarrassment in sustaining her penitentiary and convict system, and retains in her officers the control of her convicts. While resumption will force upon the State an investment in mechanical machinery, and the prosecution of private enterprises through unskilled officers and agents at great cost and expense, I concede that the advertisement for bids by the Penitentiary Board did not sufficiently set forth the character of lease made. Yet I think the lease the best that could have been effected at the time, and I therefore give my consent to its ratification.

PATTON.

Senator Fleming, for Judiciary Committee No. 1, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 7, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 355, a bill to be entitled "An act to validate the sales of certain lots and blocks of land in the town of Coleman, Coleman county, made at private sale between the first day of September, A. D. 1876, and the first day of January, A. D. 1883, by J. F. Miles and W. O. Read, commissioners for Coleman county," have carefully considered the same, and have instructed me to report the bill back to the Senate with the recommendation that it do pass.

The object of the bill is to validate the title to certain lots and blocks in the town of Coleman, in Coleman county, described in the bill, which were sold by commissioners appointed by the county commissioners' court, at private sale, instead of at public auction, as required by the statutes of the State. It appearing to your committee that the passage of the bill is requested by the commissioners' court of Coleman county, and that the county was enabled to obtain a better price for the lots and blocks by selling at private sale than at public auction, we see no objection to the bill becoming a law.

All of which is respectfully submitted.

FLEMING, for Committee.

On motion of Senator Fleming, the Senate adjourned till 10 o'clock a. m. to-morrow.

#### FORTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 8, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Chesley, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Stratton presented a memorial and other documents from S. Mussena, complaining of the Texas Transportation Company.

Referred to Committee on Internal Improvements.

Senator Perry, chairman of Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 317, entitled "An act to authorize the purchase of bridges in the name and for the use of counties, and to provide for the payment thereof," have had the same under consideration, and a majority of said committee instruct me to report the same back and recommend that it do pass.

All of which is respectfully submitted.

PERRY, Chairman.

Bill read first time.

Senator Collins offered the following resolution:

*Resolved*, That hereafter at the evening session the first business in order, after calling the roll, shall be to call the names of the Senators alphabetically, as they appear on such roll, and when the name of a Senator is called he shall have the right to call up a bill out of its order and have it considered.

Referred to Committee on Rules.

The President laid before the Senate Senate bill No. 323, "An act to redistrict the State into judicial districts, and prescribe the times of holding courts therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday in November, A. D. 1884," the special order for this hour.

Senator Traylor offered the following as a substitute for section 18:

SEC. 18. The eighteenth judicial district shall be composed of the counties of Bosque, Hill and Johnson, and the district courts shall be held therein as follows: In the county of Bosque on the third Mondays of January and August of each year, and may continue in session six weeks. In the county of Hill on the sixth Monday after the third Mondays in January and August, and may continue in session six weeks. In the county of Johnson on the twelfth Monday after the third Mondays in January and August, and may continue in session until the business is disposed of.

Adopted.

Senator Chesley offered the following amendment:

Amend section 41 by adding "first, third, fourth, fifth, seventh, eighth, ninth, thirteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-eighth, thirty-first, thirty-second, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth and thirty-ninth."

Adopted.

(Senator Gooch in the chair.)

Senator Stratton offered the following amendment:

Amend section 21, line 1, by striking out the word "Waller;" and strike out all of lines 7 and 8 of section 21.

Amend section 23, line 2, by adding after the word "Fort Bend" the words "and Waller;" and strike out in lines 13 and 14 in same section, "until business is disposed of," and insert "three weeks;" and add after that "in the county of Waller, on the seventeenth Monday after the first Mondays in January and July, and may continue in session until the business is disposed of."

Lost.

Senator Cooper offered the following amendment:

*Be it enacted by the Legislature of the State of Texas*, That said State shall be redistricted into the following judicial districts, and district judges and district attorneys shall be elected in said districts as hereinafter provided.

Adopted.

Senator Harris offered the following amendment:

Section 2, line 2, strike out "Angelina."

Section 2, strike out lines 10 and 11.

Section 9, line 2, strike out "Trinity" and insert "Angelina."

Section 9, line 10, strike out "Trinity," and insert "Angelina."

Section 12, line 2, after "Madison," insert "Trinity."

Section 12, between lines 3 and 4, insert the following: "In the county of Trinity, on the second Mondays in February and August, and may continue in session three weeks."

Adopted.

Senator Gooch offered the following amendments:

Amend section 2, page 2, line 7, so as to strike out "three weeks" and insert "four weeks," for San Augustine county.

Change the time of the beginning of Nacogdoches court

from the "fifth Monday after" the time stated, to the "sixth Monday after," etc.; and strike out "may continue in session five weeks," and insert "may continue in session six weeks."

Amend the time of beginning in Cherokee county to the twelfth, instead of the thirteenth Monday after the time stated in the bill.

Adopted.

Senator Matlock offered the following amendment:

Amend section 30, after the word "King" insert "Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran;" and in line 20, page 12, after "King," insert "Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran."

Adopted.

Amend section 31: Strike out from the section wherever they appear in the section, "Lamb, Bailey, Hockley, Dickens, Crosby, Lubbock, Cochran."

Adopted.

Senator Traylor offered the following amendment:

In section 41, strike out "eighteenth."

Adopted.

(President in the chair.)

Senator Traylor offered the following as substitute for section 29:

SEC. 29. The twenty-ninth judicial district shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton and Coryell, and the district court shall be held therein, as follows:

In Palo Pinto county, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Hood, on the third Mondays in March and September, and may continue in session two weeks.

In the county of Somervell, on the fourth Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Erath, on the fifth Monday after the first Mondays in March and September, and may continue in session five weeks.

In the county of Hamilton, on the tenth Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Coryell, on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Adopted.

Amendment adopted by the following vote:

AYES—25.

Buchanan,	Gibbs,	Peacock,
Collins,	Gooch,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Matlock,	Terrell,
Fowler,	Patton,	Traylor.
Getzendaner,		

NAYS—1.

Harris.

Senator Shannon offered the following amendment:

Strike out section 17 and insert:

SEC. 17. The seventeenth judicial district shall be composed of the counties of Parker and Tarrant, and the district courts therein shall be held as follows: In the county of Parker on the first Mondays in February and August, and may continue in session six weeks. In the county of Tarrant on the sixth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Adopted.

Senator Kleberg offered the following amendments:

Amend section 24, page 9, line 22, by inserting the words "in session" after the word "continue."

Adopted.

Amend section 24, line 16, page 9, by striking out the word "Jackson."

Adopted.

Senator Harris offered the following amendment:

Section 38, strike out lines 11 to 21 inclusive, and insert the following:

In the county of Atascosa, on the fifth Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Frio, on the eighth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of La Salle, on the tenth Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Dimmit, on the eleventh Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Maverick, on the twelfth Monday after the first Mondays in March and September, and may continue in session until business is disposed of.

Adopted.

Senator Patton offered the following amendment:

Amend by striking out lines 8 and 9, page 10, section 25, and substituting therefor, "In the county of Gonzales, on the first Monday in January and the third Monday in June of each year, and may continue in session four weeks."

Adopted.

Senator Traylor offered the following amendment:

Strike out "Williamson," in section 28, and substitute the following for section 26:

SEC. 26. The twenty-sixth judicial district shall be composed of the counties of Williamson and Travis, and the district court shall be held therein as follows:

In the county of Williamson on the second Mondays in May and November, and may continue in session six weeks.

In the county of Travis, on the first Mondays in January and July, and may continue in session until the business is disposed of.

Adopted.

Senator Gooch offered the following amendments:

Strike out section 17 and insert: "The twenty-seventh judicial district shall be composed of the counties of Bell, Lampasas and Burnet."

Strike out "Hamilton" and insert "Lampasas," as to time of holding court.

Strike out "Coryell" and insert "Burnet," as to time of holding court.

Adopted.

Amend by numbering the thirty-ninth district the twenty-eighth, and conform the bill thereto.

Adopted.

Senator Patton offered the following amendment:

Amend section 25 by substituting "thirteen" for "fourteen," in line 10; and "seventeen" for "eighteen," in line 12.

Adopted.

Senator Harris offered the following amendment:

Make thirty-seventh read thirty-sixth, and thirty-sixth read thirty-eighth.

Adopted.

Bill ordered engrossed by the following vote:

YEAS—17.

Buchanan,	Harris,	Perry,
Chesley,	Houston,	Pope,
Farrar,	Johnston of Shelby,	Shannon,
Fleming,	Martin,	Terrell,
Getzendaner,	Matlock,	Traylor.
Gooch,	Peacock,	

NAYS—9.

Collins,	Evans,	Kleberg,
Cooper,	Fowler,	Patton,
Davis,	Johnson of Collin,	Stratton.

Senator Evans assigns the following reasons for voting "no" on the engrossment of Senate bill No. 323:

I vote "no," because the bill provides for additional judicial districts, and I think we have too many already.

W. A. EVANS.

Senator Terrell introduced a bill to be entitled "An act amendatory of an act entitled 'an act to incorporate the city of Austin,' approved April 5, 1873."

Referred to Judiciary Committee No. 1.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 310, entitled "An act to provide for the disposition of the minerals in the public school, university, asylum and public lands of the State of Texas," have carefully examined the same, and a majority of said committee instruct me to report the same back with the recommendation that it do pass

All of which is respectfully submitted.

TERRELL, Chairman.

Bill read first time.

Senator Traylor moved to suspend the regular order of business and take up Senate bill No. 279, "A bill to be entitled an act to amend article 4724, chapter 3, title 95, of the Revised Statutes, to fix and equalize the compensation of assessors of taxes."

Adopted.

Bill taken up, read second time and ordered engrossed.

Senator Traylor moved to reconsider the vote by which the bill was ordered engrossed. Adopted and vote reconsidered.

Senator Davis offered the following amendment:

"The near approach of the close of the session creates an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended."

Adopted, and bill ordered engrossed.

Senator Traylor moved to suspend rules to place bill on its third reading.

Adopted by the following vote:

YEAS—22.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnston of Shelby,	Pope,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.
Fowler,		

NAYS—1.

Collins.

Bill read third time and passed.

Senator Buchanan moved to excuse Senator Johnston of Shelby for ten days after to-morrow, March 9.

Adopted.

Senator Davis moved to suspend the regular order of business and take up Senate bill No. 320, "An act to authorize the councils of certain cities and towns to appoint a board of school trustees."

Adopted, and bill taken up and read the second time, and ordered engrossed.

On motion of Senator Davis, the rules were suspended, and the bill placed on its third reading by the following vote:

YEAS—21.

Buchanan,	Fowler,	Peacock,
Collins,	Getzendaner,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.

NAYS—none.

Bill read third time and passed.

Senator Pope moved to suspend the regular order of

business, and take up Senate bill No. 330, a bill to be entitled "An act to amend articles 1637 and 1693 of the Revised Civil Statutes."

Adopted.

Bill taken up and read third time.

Senator Pope offered the following amendment:

Amend by adding, "The near approach of the close of the present session of the Legislature, and the possibility that this bill will not become a law, creates an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of the Legislature; and it is so enacted."

Adopted.

Bill ordered engrossed.

Senator Pope moved to suspend rules and place bill on its third reading.

Adopted by the following vote:

AYES—24.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Davis,	Houston,	Pope,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Martin,	Shannon,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.

NAYS—none.

Bill read third time and passed.

Senator Chesley moved to suspend the regular order of business and take up Senate joint resolution No. 30, requesting Texas Senators and Representatives to urge upon Congress the settlement of the claims of those who suffered from burning of the town of Brenham, Texas, in 1886.

Adopted.

Resolution taken up and read second time.

Senator Buchanan moved the previous question.

Motion seconded and main question ordered.

Resolution ordered engrossed by the following vote:

YEAS—21.

Buchanan,	Gibbs,	Perry,
Chesley,	Gooch,	Pfeuffer,
Collins,	Harris,	Pope,
Evans,	Houston,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Matlock,	Stratton,
Getzendaner,	Patton,	Terrell.

NAYS—6.

Cooper,	Johnson of Collin,	Peacock,
Davis,	Martin,	Traylor.

Senator Gooch entered a motion to reconsider the passage of Senate bill No. 320, "An act to authorize the councils of certain cities and towns to appoint a board of school trustees."

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 254, being "An act to adjust and settle the claim of James B. Smith, for extra work upon temporary State capitol, and to make an appropriation therefor," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Pfeuffer moved that the regular order of business be suspended to take up the following joint committee report on adjournment:

COMMITTEE ROOM,  
AUSTIN, March 7, 1883.

Hon. Marion Martin, President of the Senate:

Your joint committee have had under consideration the concurrent resolution relating to adjournment of the Legislature, and what

the interest of the State demanded with regard to legislation. A majority instruct me to report that they are of opinion that the condition of the business before the Legislature will not justify them, at this time, in fixing a certain day for adjournment. They are of opinion that a day of adjournment should not be fixed until the bills on the following subjects are acted upon; and we recommend that during the morning sessions of each House, after morning call, bills upon the following subjects, and in order named, be given preference over the regular order, viz:

1. Amendments to the Constitution.
2. Appropriations.
3. Sale and lease of the public lands.
4. Educational affairs and funds.
5. Reorganizing judicial districts.
6. Penitentiary and penitentiary leases.
7. Railways and telegraphs.
8. Election laws.
9. Taxation and revenue laws.
10. Stock and stockraising.
11. Asylums.
12. Public roads.
13. Auditing State claims against the United States.

We call attention to the fact that constitutional amendments can only be acted on at regular sessions, and that the rule requiring bills to be read on three several days, in each House, cannot be suspended. It would be a public calamity not to propose amendments authorizing the investment of the funds now or hereafter in the treasuries of the State and counties belonging to the schools, asylums and public institutions. The amendment providing a separate levy of taxes for State and school purposes is of great consequence, and there are others pending of no inconsiderable importance. It would be unjustifiable, as we think, to adjourn without action on these questions, or to fail to pass appropriation bills, land bills, etc., and force an extra session of the Legislature. The business of the session has so far progressed and has been so carefully considered, that we will be able to dispatch it with greater rapidity from the present time forward.

GEORGE PFEUFFER,  
J. R. FLEMING,  
S. C. PATTON,  
W. H. POPE,  
JNO. YOUNG GOOCH,  
Senate Committee.  
OWEN BROWN,  
WALTER ACKER,  
R. C. FOSTER,  
W. F. URTON,  
House Committee.

Adopted, and report taken up and read.

Senator Kleberg offered the following amendment:

Amend by striking out paragraphs 4, 5, 6, 7, 8, 10, 11, 12 and 13, in the report.

Senator Cooper moved to adjourn till 3 o'clock this evening.

Adopted.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

On motion of Senator Kleberg, Senator Jones was excused for three days, on account of important business.

Senator Fleming moved to excuse Senator Peacock for ten days from to-morrow, on account of important business.

Adopted.

On motion of Senator Shannon, Mr. A. M. Belvin, Engraving Clerk, was indefinitely excused, on account of sickness.

Senator Kleberg's amendment to joint committee report, relative to adjournment of the Legislature, pending on adjournment, was lost.

The Senate refused to adopt the report of the joint committee by the following vote (the vote being a tie and the Lieutenant-Governor being absent):

#### YEAS—12.

Buchanan,  
Chesley,  
Collins,  
Evans,

Fleming,  
Getzendaner,  
Gooch,  
Houston,

Johnson of Collin,  
Johnston of Shelby,  
Peacock,  
Pfeuffer.

#### NAYS—12.

Cooper,  
Davis,  
Farrar,  
Fowler,

Harris,  
Kleberg,  
Martin,  
Matlock,

Perry,  
Shannon,  
Stratton,  
Traylor.

The President laid before the Senate Senate joint resolution No. 16, to amend section 8, of article 7, of the Constitution of the State of Texas, on its third reading.

Senator Chesley moved a call of the Senate.

Call seconded.

Roll called. Absent, Senators Gibbs, King, Patton, Pope, Randolph and Terrell.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

The pending business went to the table.

Senator Pfeuffer moved to suspend the regular order of business, and take up Senate bill No. 130, a bill to be entitled "An act defining the duties and liabilities of sheriffs who are tax collectors, and collectors of taxes in cases where they may be re-elected to the same office, and providing for their removal from office in certain cases."

Motion lost by the following vote:

#### YEAS—10.

Collins,  
Evans,  
Farrar,  
Fleming,

Houston,  
Johnston of Shelby,  
Martin,

Perry,  
Pfeuffer,  
Stratton.

#### NAYS—15.

Buchanan,  
Chesley,  
Cooper,  
Davis,  
Fowler,

Getzendaner,  
Gooch,  
Harris,  
Johnson of Collin,  
Kleberg,

Matlock,  
Peacock,  
Randolph,  
Shannon,  
Traylor.

The President laid before the Senate Senate bill No. 85, "An act to amend articles 1700, 1702, 1705, 1709 and 1710 of chapter 5, title 34, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879."

Bill read third time and passed.

The President laid before the Senate Senate bill No. 125, "An act to amend section 1 of an act entitled 'an act to provide for traveling expenses of the quartermaster and commissary of the frontier battalion,' approved May 4, 1874."

Bill read third time and passed.

The President gave notice of signing Senate bill No. 245, "An act to amend sections 7, 14, 21, 33, 35, 36, 40 and 45 of 'an act incorporating the city of Houston, in Harris county,' approved April 21, A. D. 1879, and sections 23 and 31 of said act, as amended by an act of the Legislature of the State of Texas, approved March 9, A. D. 1881, and substituting the following sections therefor."

Also, Senate bill No. 291, "An act for the relief of J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, Geo. W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robinson and Uel Musick, deceased."

Senator Davis moved to excuse Senator Terrell for the afternoon session.

Motion lost.

Senator Patton, chairman of Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate

bill No. 289, entitled "An act to provide for the geological survey of the State of Texas, to make appropriation therefor, and for the appointment of a State geologist," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

Bill read first time.

PATTON, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate joint resolution No. 45, entitled "Joint resolution instructing the Attorney-General of the State to institute suit against the Houston and Texas Central Railroad Company for amount claimed to be due by them as successors and purchasers of the Washington County Railroad, to the public free school fund," have carefully examined the same, and instruct me to report the same back with the recommendation that it be amended, by substituting "three thousand and five hundred" for "one thousand," in section 2, and in same section adding, after the word "suit," "and employing special counsel in said suit," and that, so amended, it do pass.

All of which is respectfully submitted.

PATTON, Chairman.

Resolution read first time.

Senator Patton moved to suspend regular order of business and take up Senate joint resolution No. 45.

Lost by the following vote:

YEAS—5.

Davis,	Gibbs,	Terrell.
Evans,	Stratton,	

NAYS—19.

Buchanan,	Houston,	Peacock,
Chesley,	Johnson of Collin,	Perry,
Collins,	Johnson of Shelby,	Pfeuffer,
Fleming,	Kleberg,	Randolph,
Fowler,	Martin,	Shannon,
Getzendaner,	Matlock,	Traylor.
Gooch,		

Senator Peacock moved to excuse Senator King for one week.

Adopted by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Cooper,	Harris,	Pope,
Davis,	Houston,	Randolph,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnson of Shelby,	Stratton,
Fleming,	Kleberg,	Terrell,
Fowler,	Martin,	Traylor.
Getzendaner,	Matlock,	

NAYS—2.

Patton, Pfeuffer.

A message was received from the House announcing the passage by that body of substitute for Senate bill No. 183, "An act to amend 'an act to create a commission of arbitration and award, and to define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,' approved February 9, 1881."

Senate was announced full, and Senate joint resolution No. 16, which went to the table under the call of the Senate, was taken up, read third time and passed by the following vote:

YEAS—21.

Buchanan,	Gibbs,	Peacock,
Chesley,	Houston,	Pfeuffer,
Collins,	Johnson of Shelby,	Pope,
Evans,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Terrell,
Getzendaner,	Patton,	Traylor.

NAYS—8.

Cooper,	Gooch,	Perry,
Davis,	Harris,	Randolph,
Farrar,	Johnson of Collin,	

The President laid before the Senate Senate bill No. 210, "An act to amend the Penal Code so as to provide for the punishment of those who, without authority, pull the bell cord of a railway train when the train is in motion."

Bill read third time.

Senator Terrell offered the following amendment:

Amend by adding "or throw on the brakes."

Senator Davis offered the following amendment:

Amend by adding after "willfully" "and wrongfully."

Senator Pope offered the following amendment to Senator Terrell's amendment:

Amend by inserting "willfully and wantonly."

Accepted, and amendment, as amended, adopted by the following vote:

YEAS—23.

Chesley,	Harris,	Pfeuffer,
Collins,	Houston,	Pope,
Davis,	Johnson of Collin,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Patton,	Terrell,
Getzendaner,	Peacock,	Traylor.
Gooch,	Perry,	

NAYS—3.

Evans,	Gibbs,	Matlock.
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Senator Davis' amendment was adopted by the following vote:

YEAS—23.

Buchanan,	Gooch,	Pfeuffer,
Chesley,	Harris,	Pope,
Collins,	Houston,	Randolph,
Davis,	Johnson of Collin,	Shannon,
Farrar,	Kleberg,	Stratton,
Fleming,	Patton,	Terrell,
Fowler,	Perry,	Traylor.
Gibbs,		

NAYS—5.

Evans,	Martin,	Peacock.
Getzendaner,	Matlock,	

Senator Traylor offered the following amendment:

Amend by striking out "not less than one hundred dollars, nor more than five hundred dollars," and insert "not more than five hundred dollars."

Lost by the following vote, it requiring a two-thirds vote to amend a bill on its third reading:

YEAS—16.

Buchanan,	Kleberg,	Pfeuffer,
Fleming,	Martin,	Randolph,
Fowler,	Matlock,	Shannon,
Harris,	Patton,	Stratton,
Houston,	Peacock,	Terrell,
		Traylor.

NAYS—9.

Chesley,	Evans,	Gooch,
Cooper,	Farrar,	Johnson of Collin,
Davis,	Getzendaner,	Perry.

Bill passed.

Senator Harris, chairman of the Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 155, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley and Young counties," have had the same under consideration, and instruct me to report it back with the following amendment: Add to section second the following: "And the district court shall have and exercise all the civil and criminal jurisdiction heretofore vested in said county courts by the Constitution and laws and not divested by this act," and, as amended, they recommend that the same do pass.

HARRIS, Chairman.

Senate bill No. —, to be entitled "An act to diminish

the civil and criminal jurisdiction of the county courts of Matagorda, Live Oak, Atacosa, Donley and Archer counties, and to conform the jurisdiction of the district courts of said counties to such change," was taken up and read the third time.

On motion of Senator Stratton, the pending bill was ordered to lie on the table, subject to call, and, by unanimous consent, House bill No. 155, "An act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley and Young counties," was taken up out of regular order.

On motion of Senator Matlock, the rules were suspended to put the bill on its second reading by the following vote:

YEAS—23.

Buchanan,	Getzendaner,	Matlock,
Chesley,	Gibbs,	Peacock,
Collins,	Gooch,	Perry,
Davis,	Harris,	Randolph,
Evans,	Houston,	Shannon,
Farrar,	Johnson of Collin,	Stratton,
Fleming,	Kleberg,	Taylor,
Fowler,	Martin,	

NAYS—1.

Pfeuffer.

Bill read second time, and committee amendment adopted.

Senator Pfeuffer offered to amend by inserting "Comal county."

Adopted.

Senator Kleberg offered to amend so as to include the counties of Wilson and Atascosa.

Adopted, and bill ordered engrossed.

On motion of Senator Collins, rules were suspended to place the bill on its third reading by the following vote:

YEAS—24.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Davis,	Houston,	Randolph,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Taylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan,	Gibbs,	Peacock,
Collins,	Gooch,	Perry,
Davis,	Harris,	Pfeuffer,
Evans,	Houston,	Randolph,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Terrell,
Getzendaner,	Matlock,	Taylor.

NAYS—none.

Senator Davis moved to call up Senator Gooch's motion to reconsider the vote on the passage of Senate bill No. 320.

Adopted.

Motion to reconsider lost.

Senate bill No. 280, "An act to regulate the duties of telegraph companies, and to prescribe a penalty for the violation of the same," was taken up, read third time, and, on motion of Senator Chesley, was ordered to lie on the table subject to call.

Substitute for House joint resolutions Nos. 4, 10, 11 and 13, "To amend section 3, article 7, of the Constitution of the State of Texas," was taken up, read second time, and committee amendments adopted.

On motion of Senator Gibbs, further consideration of the resolution was postponed until 5 o'clock this afternoon.

Substitute for House joint resolutions Nos. 6, 8 and 27, "Amending section 9, article 8, of the Constitution of the State of Texas," was taken up, read second time, and committee amendment adopted.

Senator Fleming moved to amend by striking out "already incurred," and inserting "incurred prior to the adoption of this amendment."

Adopted.

Senator Davis moved a call of the Senate.

Call sustained.

Roll called. Absent, Senators Johnston of Shelby, Patton and Cooper.

Pending business went to the table.

Substitute for House joint resolutions Nos. 12, 19, 21 and 31, "Amending sections 4 and 6, of article 7, of the Constitution of the State of Texas," was taken up and read second time.

Senator Fleming moved to postpone the pending House joint resolution, and that 100 copies of it and each of the House joint resolutions on the President's table be printed before further action be had on the same.

Adopted.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 245, being "An act to amend sections 7, 14, 21, 33, 36, 40 and 45 of 'an act incorporating the city of Houston, in Harris county, approved April 21, A. D. 1879, and sections 23 and 31 of said act, as amended by an act of the Legislature of the State of Texas, approved March 9, A. D. 1881, and substituting the following sections therefor," and find the same correctly enrolled, and have this day, at 3:55 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 8, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 291, being "An act for the relief of J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, George W. Darby, C. M. Byars, J. A. Stringley, T. W. Linkhart & Co., T. W. Robinson and Uel Musick, deceased," and find the same correctly enrolled, and have this day, at 3:55 o'clock p. m., presented the same to the Governor for his approval.

COOPER, Chairman.

On motion Senator Davis, the Senate adjourned until 10 a. m. to-morrow.

## FIFTIETH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, March 9, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Upon motion of Senator Matlock, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Fowler presented a petition from citizens of Bastrop and Fayette counties, asking the Legislature to submit to the vote of the people an amendment to the Constitution, prohibiting the sale, manufacture or importation of liquors as a beverage.